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ALPHA THERAPEUTIC CORPORATION,  
a California corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LELIA INES BESSONE DE CASTRO,	) NO. C 07 4418 WHA
individually, and as Personal Representative of	)
and as Successor in Interest to the Estate of the	) REQUEST TO VACATE CMC PURSUANT
Decedent FABIAN ADOLFO CASTRO,	) TO TRANSFER TO MDL-986
	)
Plaintiff,	)
	)
v.	)
	)
ALPHA THERAPEUTIC CORPORATION, a	)
California corporation, BAYER	)
CORPORATION, an Indiana corporation;	)
BAXTER HEALTHCARE CORPORATION, a	)
Delaware corporation, and its HYLAND	)
DIVISION; ARMOUR PHARMACEUTICAL	)
COMPANY, INC., a Delaware corporation, and	)
AVENTIS, INC., a Pennsylvania corporation,	)
	)
Defendant.	)

Defendant Alpha Therapeutic Corporation ("Alpha") requests the initial case management conference set on November 29, 2007 be vacated pursuant to the transfer of this action by the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. section 1407 to MDL-986 currently pending before the Honorable John F. Grady in the Northern District of Illinois. A copy of the final transfer order by the Judicial Panel on Multidistrict Litigation which has been filed in the Northern District of Illinois is attached as Exhibit "A".

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1 The complaint in this case alleges the decedent was a resident of Argentina and a  
 2 hemophiliac who was allegedly infected with HIV and Hepatitis C from the alleged use of the  
 3 defendants' factor concentrates. This claim is brought against the same fractionator defendants that  
 4 are defendants in MDL-986. Many of the allegations in this complaint are similar to the ones made  
 5 in the cases that led to the Panel to establish MDL-986, In Re "Factor VIII or IX Concentrate  
 6 Blood Products" Liability Litigation, 853 F.Supp.454 (J.P.M.L. 1993), and more recently, to  
 7 transfer *Gullone v. Bayer Corp.*, and other similar cases to MDL-986.

8 After the filing of the action, a tagalong notice was submitted to the Judicial Panel on  
 9 Multidistrict Litigation.

10 On September 24, 2007, the Judicial Panel filed and served a conditional transfer order.  
 11 The Judicial Panel entered a final transfer order in this case on October 10, 2007 inasmuch as no  
 12 objection to the CTO was made. That order was received and filed by the clerk of the Northern  
 13 District of Illinois on October 11 and assigned a Northern District of Illinois Case Number 07 C  
 14 5899.

15 With the filing of the final transfer order in the Northern District of Illinois, that court  
 16 assumed jurisdiction pursuant to JPML Rule 1.5.

17 On November 26 and 27, this office communicated with the court clerk and it was  
 18 mentioned that we would submit a copy of the final transfer order and request to vacate the initial  
 19 case management conference.

20 It is respectfully requested that the initial case management conference set on November 29,  
 21 2007 be vacated.

22 Respectfully submitted,

23 Dated: November 27, 2007

KNAPP, PETERSEN & CLARKE

24  
 25 By: Kevin J. Stack  
 26 Kevin J. Stack  
 27 Attorneys for Defendant  
 28 ALPHA THERAPEUTIC  
 CORPORATION,  
 a California corporation

KNAPP,  
 PETERSEN  
 & CLARKE



JUDGE GRADY

**FILED****OCTOBER 11, 2007**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

SEP 24 2007

FILED  
CLERK'S OFFICE**07 C 5899****A CERTIFIED TRUE COPY**

OCT 10 2007

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONUNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATIONIN RE: "FACTOR VIII OR IX CONCENTRATE BLOOD  
PRODUCTS" PRODUCTS LIABILITY LITIGATION**DMK**

MDL No. 986

Lelia Ines Bessone de Castro, etc. v. Alpha Therapeutic  
Corp., et al., N.D. California, C.A. No. 3:07-4418**CONDITIONAL TRANSFER ORDER (CTO-102)**

On December 7, 1993, the Panel transferred 27 civil actions to the United States District Court for the Northern District of Illinois for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 853 F.Supp. 454 (J.P.M.L. 1993). Since that time, 262 additional actions have been transferred to the Northern District of Illinois. With the consent of that court, all such actions have been assigned to the Honorable John F. Grady.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Northern District of Illinois and assigned to Judge Grady.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Northern District of Illinois for the reasons stated in the order of December 7, 1993, and, with the consent of that court, assigned to the Honorable John F. Grady.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Illinois. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

OCT 10 2007

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION
  
Jeffery N. Lüthi  
Clerk of the Panel

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of November, 2007, I caused to be served a true and correct copy of the documents described as REQUEST TO VACATE CMC PURSUANT TO TRANSFER TO MDL-986 on the following counsel of record pursuant to ECF as to Filing Users and by Federal Express, postage prepaid, pursuant to Local Rule 5.5 as to any party who is not a Filing User or represented by a filing user:

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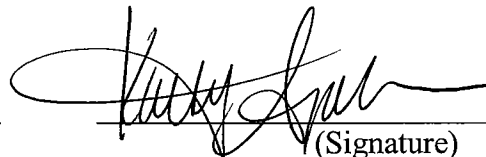
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